

PR-4



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,972	03/31/2000	Boris S. Elman	99-837	2133

32127 7590 10/27/2003

VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSON
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3HO1
IRVING, TX 75038

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 10/27/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,972

Applicant(s)

ELMAN ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 16, 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8, 16, and 17, are pending in this examination.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahearn et al. (USPN 5,926,463) (hereinafter Ahearn).

2. Referring to claim 1, Ahearn discloses a method for network management comprising the steps, performed by a processor, of:

receiving identification data (source address) corresponding to a customer (user) in a network (Figure 2C and pertinent portions of the disclosure);

accessing a generic information model database (see response to arguments below for explanation) for stored information corresponding to the customer identification data (e.g. abstract, col. 3, lines 5-15); and

providing actual circuit path information corresponding to a customer service based on the stored information, wherein the actual circuit path information is used to generate a graphical representation (GUI) of heterogeneous network components (nodes, switches, routers, etc.) supporting a specific service for the customer (Figures 1, 3, 4, 8; col. 16, lines 37-48).

3. Claim 16 is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahearn in view of Andersson et al. (USPN 6,163,544) (hereinafter Andersson).

4. Referring to claim 2, Ahearn discloses a method for managing a network as stated in the claims above. Ahearn does not necessarily state that the database stores information according to a generic information model. Andersson discloses a network manager that stores information in a database according to a generic information model (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Anderson with Ahearn to provide for reduced complexity of the system while allowing for the ease of future upgrades or replacements.

5. Claim 3 is rejected for similar reasons as stated above. Furthermore Ahearn discloses populating a database with network component information (col. 16, line 36 to col. 17, line 33).

6. Referring to claim 4, Ahearn discloses sending component access information to an element management system (network manager), the element management system retrieving network component information from at least one component in the network (col. 16, line 36 to col. 17, line 33);

retrieving the network component information from the element management system (col. 16, line 36 to col. 17, line 33); and

storing the network component information in the permanent database (col. 16, line 36 to col. 17, line 33);

7. Referring to claim 5, Ahearn discloses updating the permanent database based on an automatic event (periodic polling) (col. 8, lines 15-24; col. 16, lines 36-48).

8. Referring to claim 6, Ahearn discloses updating the permanent database based on a manual event (poll on demand) (col. 8, lines 15-24).

9. Referring to claims 7 and 8, Ahearn discloses a method for network monitoring as stated in the claims above. Ahearn does not disclose storing the new network component information in a temporary database, comparing the temporary and permanent databases, and modifying the permanent database according to comparison rules. However it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art to modify the system of Ahearn and Andersson to provide for a

temporary database and modifying the permanent database according to comparison rules to avoid the unnecessarily caveat of modifying the database, which is time consuming in a computer environment, to change a value which has been modified, which when viewed on the network level, is insignificant to the big picture.

10. Claim 17 is rejected for similar reasons as stated above.

Response to Amendment

11. Applicant's arguments filed August 29, 2003 have been fully considered but they are not persuasive.

12. Applicant argues in substance that, (1) Ahearn fails to disclose "customer centric" network management, (2) Ahearn is silent with respect to a "generic information model database" used in connection with providing customer centric network management data to a customer on the network, and (3) Andersson is improperly combined since it refers to a telecommunications network .

13. As to point (1), the recitation "customer centric network management" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process

Art Unit: 2143

steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

14. As to point (2), as noted in the specification, page 7, lines 15-16 disclose that the, "GIM (Generic Information Model) database 116 stores information on the various network components, customers, services, events, etc." The database disclosed in Ahearn collects information (status) from various network components (switches and routers), customers (connectivity of the individual workstations), services (QoS), and events (error rates or dropped packets) (see Ahearn, col. 3, lines 3-17). By this rationale, in the broadest sense of the term as portrayed by the term as used in the specification, Ahearn does, in fact, disclose a generic information model database. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a "generic information model database" used in connection with providing customer centric network management data to a customer on the network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. As to point (3) the Office determines that the term "telecommunication network" can be broadly construed to mean, "any network in which two entities can communicate

through the transfer of electrical signals". In this sense it is believed that Andersson and Ahearn are in the same field of endeavor.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Art Unit: 2143

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
October 22, 2003



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER